

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GARDEN GROVE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016030420

ORDER DENYING REQUEST FOR  
CONTINUANCE

On March 29, 2016, the parties filed a joint request to continue the initially set dates in this matter with the Office of Administrative Hearings, based upon need for additional time to permit the parties to engage in more settlement discussion. The parties requested a continuance to April 25, 26 and 27, 2016, so any decision issued would be done before the start of the 2016-2017 school year. The parties made the same request at the March 28, 2016 prehearing conference, which Administrative Law Judge Judith Pasewark denied. Matter is presently set for hearing on April 5 -7, 2016.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Denied. The parties' request for a continuance based on a desire to continue settlement negotiations, after the parties participated in mediation is not by itself good cause

for a continuance. Further, the parties have expressed a desire to have the matter be decided quickly. Therefore, the parties' continuance request is denied and shall proceed as presently scheduled.

IT IS SO ORDERED.

DATE: March 30, 2016

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*Peter Paul Castillo*

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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings